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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/843,397	PEARSON ET AL.	
	Examiner	Art Unit	
	Farzana E. Hossain	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 April 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-79* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-79* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5-30-01, 3-19-02, 7-31-02*
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 5-12, 14, 16, 36-44, 46-52, 60, 61, 64-79 are rejected under 35 U.S.C. 102(e) as being anticipated by Freeman et al (US 2004/0261127 and hereafter referred to as "Freeman").

Regarding Claims 1, 37-41, 71-78, Freeman discloses a system providing interactive content to a user (Figure 1), said system comprising: a user reception device for the reception of broadcast signals to the user or a digital TV (Figure 1, 195), a video display associated with the user reception device for displaying a user-perceptible form of the broadcast signals to the user (Figure 1, 195), a decoding device communicating with the user reception device or digital cable box or set top box (Figures 1 and 2, 25, 215), the decoding device being programmed to execute an interactive program written for the broadcast content (Figure 2 and Page 4, paragraph 0049), a server network device communicating with the decoding device (Figure 1, 5),

the server network device being programmed to download segments of the interactive program (Page 4, paragraph 0044) to the decoding device (Figure 1, Page 4, paragraph 0044); a communication device communicating with the decoding device and with the server network device including a modem (Figure 1, Page 4, paragraph 0044, Page 9, paragraph 0126)); and a memory system communicating with the server network device and the decoding device or a program storage means or database (Page 4, paragraph 0045), the memory system storing segments of the interactive program (Page 4, paragraph 0045); wherein the interactive content is synchronized to segments of the broadcast content (Page 8, paragraph 0114) which are interrelated to the interactive content (Page 8, paragraphs 0114, 0117). Regarding Claim 72, Freeman discloses inserted events activate particular segments of the interactive content interrelated to the particular segments of the broadcast content such that broadcast content and interrelated interactive content are displayed on the video display (Figure 2, Page 4, paragraph 0049, Page 8, paragraphs 0114, 0117).

Regarding Claim 43, Freeman discloses a method of providing interactive content to a user (Page 4, paragraph 0049); the method comprising programming a processor to provide interactive content (Figure 1, 135), the interactive content being interrelated to pre-determined broadcast content (Page 8, paragraphs 0114, 0117); inserting an event within the broadcast content (Page 8, paragraphs 0114, 0117), the event being inserted in the broadcast content at a pre-determined segment (Page 8, paragraphs 0114, 0117), the pre-determined segment being interrelated to pre-determined interactive content (Page 8, paragraphs 0114, 0117); receiving a broadcast

signal (Figure 1, 25), the broadcast signal comprising the broadcast content (Figure 1, 25); decoding the event as it is encountered in the broadcast content (Figure 2, 215), the decoded event activating a segment of the interactive content (Figure 2 and Page 4, paragraph 0049); and displaying both the broadcast content and the activated segment of the interactive content to the user on a video display (Figure 2, Page 4, paragraph 0049, Page 8, paragraphs 0114, 0117); wherein the event activates a segment of the interactive content that is interrelated to the segment of the broadcast content in which the event is inserted (Page 8, paragraphs 0114, 0117).

Regarding Claim 60, Freeman disclose a system (Figure 1) for providing to a user interactive enabling system (Figures 1, 2, 25) interactive content that is synchronized to broadcast content (Page 8, paragraph 0114), the system comprising an insertion device for inserting events into the broadcast content (Figure 1, 5), a transmission device for transmitting the broadcast content to the user interactive enabling system (Figure 1, 15, 150, 175); a server network device (Figure 1, 5) communicating with the user interactive enabling system (Figure 1, 25); and a memory system communicating with the server network device or a program storage means or database (Page 4, paragraph 0045), the memory system storing the interactive content (Page 4, paragraph 0045); wherein the inserted events are synchronized to particular segments of the broadcast content (Page 8, paragraph 0114) and activate particular segments of the interactive content interrelated to the particular segments of the broadcast content (Page 8, paragraph 0114) such that both the broadcast content and

the interrelated interactive content are displayed on the user interactive enabling system (Page 8, 0114).

Regarding Claims 2, 44, and 61, Freeman discloses all the limitations of Claim 1, 43, and 60 respectively. Freeman discloses that the interactive program written for the broadcast content comprises HTML pages or web pages (Page 9, paragraph 0124), the HTML pages comprising the interactive content (page 9, paragraph 0124, 0126), the HTML pages beings displayed to the user on the video display (Pages 9-10, paragraph 0126). It is inherent that web pages have HTML content. The Office acknowledges that the Claim 46 includes programming a processor to provide interactive content (Figure 1, 135) as disclosed by Freeman.

Regarding Claims 5, 46, and 64, Freeman discloses all the limitations of Claim 2, Claim 43, and Claim 61 respectively. Freeman discloses that the HTML pages further comprise the broadcast content (Page 9-10, paragraph 0127). The Office acknowledges that the Claim 46 includes programming a processor to provide interactive content (Figure 1, 135) as disclosed by Freeman.

Regarding Claim 6, Freeman discloses all the limitations of Claim 1. Freeman discloses that the interactive content is synchronize to segments of the broadcast content by events within the broadcast content or audio, video or graphic display is synchronized to the program via trigger points (Page 8, paragraphs 0114, 0116).

Regarding Claims 7, 47, and 65, Freeman discloses all the limitations of Claims 6, 43, and 60 respectively. Freeman discloses that the events within the broadcast content are triggers inserted in the broadcast content (Page 8, paragraph 0115) or

inserting an event within the broadcast content comprises inserting a trigger within the broadcast content (Page 8, paragraph 0114).

Regarding Claims 8 and 66, Freeman discloses all the limitations of Claim 6 and Claim 60 respectively. Freeman discloses the events within the broadcast content are time markers (Page 8, paragraphs 0114-0115).

Regarding Claim 9, Freeman discloses all the limitations of Claim 7. Freeman discloses that the triggers are inserted at pre-determined segments within the broadcast content and activate segments of the interactive program that are interrelated to the broadcast content being presented to the user during the pre-determined segments (Page 8, paragraph 0115, Figure 5).

Regarding Claims 10 and 67, Freeman discloses all the limitations of Claim 7 and Claim 65 respectively. Freeman discloses that the triggers comprise a URL (Page 8, 0114, Page 9, 0124), the URL comprising an Internet address (Page 8, 0114, Page 9, 0124).

Regarding Claim 11, Freeman discloses all the limitations of Claim 9. Freeman discloses that the segments of the interactive program provide character insights to the user (Page 8, paragraph 0114), the character insights being interrelated with the broadcast content being presented to the user during predetermined segment of the broadcast or providing information of a baseball player that is currently at bat (Page 8, paragraph 0114).

Regarding Claim 12, Freeman discloses all the limitations of Claim 9. Freeman disclose the segments of the interactive program provide comments to the user, the

comments and observations being interrelated with the broadcast content being present to the user during the predetermined segment of broadcast (Page 8, paragraph 0114).

Regarding Claim 14, Freeman discloses all the limitations of Claim 9. Freeman disclose the segments of the interactive program provide an opportunity for the user to predict what will happen at a later time in the program (Page 11, paragraphs 0147-0152).

Regarding Claim 16, Freeman discloses all the limitations of Claim 9. Freeman discloses that the segments of the interactive program provide facts and information to the user, the facts and information being interrelated with the broadcast content being presented to the user during a predetermined segment of the broadcast (Page 8, paragraph 0114).

Regarding Claim 36, Freeman discloses all the limitations of Claim 1. Freeman discloses that different versions of interactive content may be selected by the user (Page 3, paragraphs 0031-0037).

Regarding Claims 42 and 79, Freeman discloses all the limitations of Claim 1 and 72. Freeman discloses that the decoding device further comprises a memory for storing interactive programs (Figure 2, 255, Figure 4, 475) and user information (Figure 2, 265).

Regarding Claims 48, 49 and 50, Freeman discloses all the limitations of Claim 43. Freeman discloses receiving a broadcast signal comprising receiving the broadcast signal transmitted by a television broadcast station (Page 4, paragraph

0044), a cable provider (Page 4, paragraph 0044), and/or satellite provide (Page 4, paragraph 0044) respectively to Claims 48, 49 and 50.

Regarding Claim 51, Freeman discloses all the limitations of Claim 43. Freeman discloses decoding the event as it is encountered in the broadcast content (Page 9, paragraphs 0119, 0121) comprises programming a processor within a set-top box to decode a trigger inserted in the broadcast content (Page 9, paragraphs 0119, 0121).

Regarding Claim 52, Freeman discloses all the limitations of Claim 43. Freeman discloses displaying both the broadcast content and the interrelated interactive content to the user on a video display (Page 4, paragraph 0049) comprises displaying the broadcast content in a reduced form within an HTML page on the video screen (Pages 9-10, paragraphs 0124, 0127).

Regarding Claims 68, 69, and 70, Freeman discloses all the limitations of Claim 60. Freeman discloses that the transmission device is a television broadcast station transmitter (Figure 1, 175), a transmission cable (Figure 1, 150), and/or a satellite transmitter (figure 1, 15) respectively to Claims 68, 69, and 70.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3, 4, 45, 53, 62, 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Weinstein et al (US 6,604,242 and hereafter referred to as "Weinstein").

Regarding Claims 3, 45, and 62, Freeman discloses all the limitations of Claim 2, Claim 44, and Claim 61 respectively. Freeman discloses that the interactive program further comprises JAVA enabled browser associated with web pages. Freeman does not disclose that the interactive program comprises JavaScript code associated with the HTML pages, the JavaScript code providing interactive functionality within the HTML pages. Weinstein discloses that the interactive program comprises JavaScript code associated with the HTML pages (Column 7, lines 2-4, lines 25-31), the JavaScript code providing interactive functionality within the HTML pages. It is inherent that the JavaScript code provides interactive functionality. The Office acknowledges that Claim 45 include programming a processor to provide interactive content (Figure 1, 135) as disclosed by Freeman. It would have been obvious a the time the invention was made to modify Freeman for interactive programs to comprise JavaScript code associated with the HTML pages to provide interactive programs (Column 7, lines 2-4, lines 25-31) as taught by Weinstein in order to provide a unified interface to combine both the broadcast and interactive features (Column 2, lines 9-22) as disclosed by Weinstein.

Regarding Claims 4, 53, and 63, Freeman and Weinstein disclose all the limitations of Claim 3, Claim 52 and Claim 62 respectively. Freeman does not disclose that the interactive functionality comprises user-selectable operators for selecting different interactive functions. Weinstein discloses that the interactive functionality

comprises user-selectable operators for selecting different interactive functions (Figures 2a, 2b, 2c). It would have been obvious a the time the invention was made to modify Freeman to have user-selectable operators (Figures 2a, 2b, 2c) as taught by Weinstein in order to provide a unified interface to combine both the broadcast and interactive features (Column 2, lines 9-22) as disclosed by Weinstein.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Valdez, Jr. (US 6,426,778 and hereafter referred to as "Valdez").

Regarding Claim 13, Freeman discloses all the limitations of Claim 9. Freeman does not disclose that the segments of the interactive program provide the user's status in a fan club, the fan club being interrelated to the broadcast content. Valdez discloses that the segments of the interactive program provide the user's status in a fan club or allowing a viewer to access to the fan club information (Column 14, lines 50-65), the fan club being interrelated to the broadcast content (Column 14, lines 57-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Freeman to include details of a fan club including the user's status (Column 14, lines 50-65) as taught by Valdez in order to provide a system that allows a user to associate interactive data with a video presentation (Column 3, lines 42-44).

6. Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Ellis et al (US 2004/0261125 and hereafter referred to as "Ellis").

Regarding Claim 15, Freeman discloses all the limitations of Claim 9. Freeman does not disclose that the segments of the interactive program provide questions to the user about past events in a program. Ellis discloses wherein the segments of the interactive program provide questions to the user about past events in a program (Figures 4 and 5). It would have been obvious at the time the invention was made to modify Freeman to include questions about the past events in a program (Figures 4 and 5) as taught by Ellis in order to maintain viewers to a particular channel (Page 1, paragraphs 0018-0019) as disclosed by Ellis.

7. Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Furet et al (US 2004/0139472 and hereafter referred to as "Furet").

Regarding Claim 17, Freeman discloses all the limitations of Claim 16. Freeman discloses that the facts and information are provided to the user. Freeman does not disclose that the facts and information are provided in a question and answer format, the answer being displayed automatically a predetermined time interval after question is displayed. Furet discloses that an interactive game is played in a question and answer format displayed (Page 14, paragraph 0365), the answer being displayed automatically a pre-determined time interval after the question is displayed (Page 14, paragraph 0368). It would have been obvious at the time the invention was made to modify Freeman to include questions in a question and answer format (Page 14, paragraph 0365), the answer displayed a pre-determined time interval after that question is

displayed (Figures 14, paragraph 0368) as taught by Furet in order to allow the user to actively participate (Page 4, paragraphs 0141) as disclosed by Furet.

8. Claims 18-23, 30, 31, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Lappington et al (US 5,764,275 and hereafter referred to as "Lappington").

Regarding Claim 18, Freeman discloses all the limitations of Claim 16. Freeman discloses that an interactive program provides facts and information to a user (Page 8, paragraph 0114) and asking questions about future events of a program (Page 11, paragraphs 0147-0152). Freeman does not disclose that the display of facts and information provided to the user in a question and answer format, the user inputting an answer in response to a displayed question. Lappington discloses that facts and information are provided to the user in a question and answer format (Column 9, lines 13-21), the user inputting an answer in response to a displayed question (Column 9, lines 22-24). It would have been obvious at the time the invention was made to modify Freeman to include facts and information in a question and answer format (Column 9, lines 13-24) as taught by Lappington in order to play a game, win prizes without a possibility of cheating (Column 2, lines 48-62, Column 3, lines 14-18) as disclosed by Lappington.

Regarding Claim 19, Freeman and Lappington disclose all the limitations of Claim 18. Freeman does not disclose that the user is provided with on-screen feedback

about the user's answer. Lappington discloses that the user is provided with on-screen feedback about the user's answer (Column 9, lines 23-26).

Regarding Claim 20, Freeman discloses all the limitations of Claim 16. Freeman does not disclose that the facts and information are provided to the user in a "true or false" question format, the user inputting an answer in response to a displayed question. Lappington discloses that the facts and information are provided to the user in a "true or false" question format (Column 9, lines 18-21), the user inputting an answer in response to a displayed question (Column 9, lines 22-23). It would have been obvious at the time the invention was made to modify Freeman to include facts and information in a "true or false" question format and the user inputting an answer (Column 9, lines 18-23) as taught by Lappington in order to play a game, win prizes without a possibility of cheating (Column 2, lines 48-62, Column 3, lines 14-18) as disclosed by Lappington.

Regarding Claim 21, Freeman and Lappington disclose all the limitations of Claim 18. Freeman does not disclose that rewards are given to users who answer the displayed questions correctly. Lappington discloses that rewards are given to users who answer the displayed questions correctly or that users who answer questions correctly will win prizes (Column 21, lines 2-9). It is inherent that that prizes are awarded to users if the interactive program award prizes of value and also that prizes are awarded to users who answer questions correctly and earn the most points.

Regarding Claim 22, Freeman and Lappington disclose all the limitations of Claim 21. Freeman does not disclose that rewards comprise a number of points.

Lappington discloses that rewards comprise a number of points or points are given for each correct answer (Figure 15).

Regarding Claim 23, Freeman and Lappington disclose all the limitations of Claim 22. Freeman does not disclose that the same number of points is earned for each correct answer Lappington discloses that the same number of points is earned for each correct answer or for Quick and Easy response options (Column 9, lines 31-32).

Regarding Claim 30, Freeman and Lappington disclose all the limitations of Claim 22. Freeman does not disclose that bonus points are hidden in particular interactive content such that only users who activate the particular interactive content receive the bonus points. Lappington discloses that bonus points are hidden in particular interactive content such that only users who activate the particular interactive content receive the bonus points or additional points are awarded if questions are correctly answered within a particular time (Column 9, lines 47-48).

Regarding Claim 31, Freeman and Lappington disclose all the limitations of Claim 18. Freeman does not disclose that a single pre-determined question corresponding to a particular trigger in the program content is provided to all users. Lappington discloses that a single pre-determined question corresponding to a particular trigger in the program content is provided to all users (Column 9, lines 8-10). Lappington defines questions as text that request input (Column 9 lines 18-19). Therefore, Lappington asks a question to all players to determine level of skill to start the interactive question and answer session (Column 9, lines 8-10).

Regarding Claim 35, Freeman and Lappington disclose all the limitations of Claim 18. Freeman does not disclose that the questions are chosen based on the user's preferences. Lappington discloses that the questions are chosen based on the user's preferences (Column 9, lines 8-11).

9. Claims 24, 25, 27, 33, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Lappington as applied to claim 22 above, and further in view of Kohorn (US 5,508,731).

Regarding Claim 24, Freeman and Lappington disclose all the limitations of Claim 22. Freeman in view of Lappington does not disclose the number of pointes in directly proportional to the difficulty of the question. Kohorn discloses that the number of points in directly proportional to the difficulty of the question (Column 40, lines 32-36; Column 40, lines 46-54). It would have been obvious at the time the invention was made to modify the number of points given proportional to the difficulty of question (Column 40, lines 32-36; Column 40, lines 46-54) as taught by Kohorn in order to include a broader participant audience (Column 1, lines 60-66).

Regarding Claim 25, Freeman and Lappington disclose all the limitations of Claim 22. Freeman in view of Lappington does not disclose the number of points is deducted for each incorrect answer. Kohorn discloses that the number of points is deducted for each incorrect answer (Column 41, lines 31-33). It would have been obvious at the time the invention was made to modify Freeman in view of Lappington to deduct the number of points for each incorrect answer (Column 40, lines 32-36; Column

40, lines 46-54) as taught by Kohorn in order to include a broader participant audience (Column 1, lines 60-66).

Regarding Claim 27, Freeman and Lappington disclose all the limitations of Claim 22. Freeman in view of Lappington does not disclose the points are redeemable for merchandise. Kohorn discloses that the points are redeemable for merchandise or are rewarded due to scoring means (Column 18, lines 53-55). It would have been obvious at the time the invention was made to modify Freeman in view of Lappington to redeem the number of points for merchandise (Column 18, lines 53-55) as taught by Kohorn in order to include a broader participant audience (Column 1, lines 60-66).

Regarding Claim 33, Freeman and Lappington disclose all the limitations of Claim 18. Freeman in view of Lappington does not disclose that the questions are chosen pseudo-randomly. Kohorn discloses that the questions are chosen pseudo-randomly or based on the performance of the user (Column 15, lines 36-44). It would have been obvious at the time the invention was made to modify Freeman in view of Lappington to choose the questions pseudo-randomly (Column 15, lines 36-44) as taught by Kohorn in order to include a broader participant audience (Column 1, lines 60-66).

Regarding Claim 34, Freeman and Lappington disclose all the limitations of Claim 18. Freeman in view of Lappington does not disclose that the questions are chosen based on the user's past performance. Kohorn discloses that the questions are chosen based on the performance of the user (Column 15, lines 36-44).). It would have been obvious at the time the invention was made to modify Freeman in view of

Lappington to choose the questions based on past performance of the user (Column 15, lines 36-44) as taught by Kohorn in order to include a broader participant audience (Column 1, lines 60-66).

10. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Lappington as applied to claim 22 above, and further in view of Furet.

Regarding Claim 26, Freeman discloses that information can be displayed on a HTML page (Page 8, paragraph 0114, page 9, paragraph 0124). Freeman in view of Lappington does not disclose that points are continuously displayed on the HTML page. Furet discloses that the user's score or points are continuously displayed on the television (Page 14, paragraph 0371). It would have been obvious at the time the invention was made to modify Freeman in view of Lappington to display points continuously (Page 14, paragraph 0365) as taught by Furet in order to allow the user to actively participate (Page 4, paragraphs 0141) as disclosed by Furet.

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Lappington as applied to claim 22 above, and further in view of Wade et al (US 2002/0165764 and hereafter referred to as "Wade").

Regarding Claim 28, Freeman in view of Lappington does not disclose that points are redeemable for additional plays. Wade discloses that points are redeemable for additional plays (Page 1, paragraph 0010, Page 3, paragraph 0033). Wade discloses

that users can access a games feature. It would have been obvious at the time the invention was made to modify Freeman in view of Lappington to be able to redeem earned points to play again (Page 1, 0010, Page 3, paragraph 0033) as taught by Wade in order gain more customers for a merchandizing center web site for products (Page 1, paragraph 0010).

12. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Lappington as applied to claim 22 above, and further in view of Forrest et al (US 6,267,379 and hereafter referred to as "Forrest").

Regarding Claim 29, Freeman in view of Lappington do not disclose that user is ranked according to the number of points accumulated by the user. Forrest discloses that the user is ranked according to the number points accumulated by the user or team (Figure 11). It would have been obvious at the time the invention was made to modify Freeman in view of Lappington to rank the users according to the number of points (Figure 11) as taught by Forrest in order to provide a clear view of who is winning the game.

13. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Lappington as applied to claim 18 above, and further in view of Ellis (US 2004/0117831 and hereafter referred to as "Ellis2").

Regarding Claim 32, Freeman and Lappington disclose all the limitations of Claim 22. Freeman in view of Lappington does not disclose that the questions are

chosen from a pool of questions, the pool of questions being stored in the memory system. Ellis2 discloses that questions are chosen from a pool of questions (Abstract, page 24, paragraph 0247), the pool of questions being stored in the memory system or trivia questions stored in database or other storage facility (Abstract). It would have been obvious at the time the invention was made to modify Freeman in view of Lappington to chose the questions from a pool of questions (Abstract, page 24, paragraph 0247) and store the pool of questions in the memory system (Abstract) as taught by Ellis in order to provide customized programming features for customers (Page 1, paragraphs 0006, 0008).

14. Claims 54-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al (US 6,698,020 and hereafter referred to as "Zigmond") in view of Freeman.

Regarding Claim 54, Zigmond discloses a method for selling advertising time during a broadcast program (Column 8, lines 65-67, Column 9, lines 1-9) by associating advertised products and services with broadcast content or advertisement source cooperating with the operators of programming (Column, 9, lines 5-8); the method comprising: providing advertising content (Figure 7, 62), the advertising content being interrelated to pre-determined broadcast content (Column 12, lines 60-67, Column 13, lines 1-5); inserting an event within the broadcast content (Column 8, lines 38-54), the event being inserted in a pre-determined segment of the broadcast content (Column 8, lines 55-63), the pre-determined segment of the broadcast content

being interrelated to pre-determined advertising content (Column 12, lines 60-67, Column 13, lines 1-5), and receiving a fee for displaying the activated pre-determined advertising content to the user on the video display (Column 1, lines 36-39). Zigmond does not disclose decoding the event as it is encountered in the broadcast content, the decoded event activating the pre-determined advertising content; displaying both the broadcast content and the activated pre-determined advertising content to a user on a video display. Freeman discloses decoding the event as it is encountered in the broadcast content (Figure 2, 215), the decoded event activating the pre-determined advertising content (Page 2, paragraph 0016, Page 8, paragraph 0116); displaying both the broadcast content and the activated pre-determined advertising content to a user on a video display (Page 2, paragraph 0016, Pages 9-10, paragraph 0127, Pages 11-12, paragraph 0168). It would have been obvious at the time the invention was made to modify Zigmond to decode the event when encountering broadcast content (Figure 2, 215) to activate advertising content, and to display both broadcast and advertising content (Pages 9-10, paragraph 0127) as taught by Freeman in order to provide personalized interactive programming (Page 1, paragraph 0007).

Regarding Claim 55, Zigmond and Freeman disclose all the limitations of Claim 54. Freeman discloses providing advertising content comprises a processor to provide advertising content within an HTML page or web pages (Page 2, paragraph 0016, Page 9, paragraph 0124), the HTML pages comprising the interactive content (page 9, paragraph 0124, 0126), the HTML pages beings displayed to the user on the video

display (Pages 9-10, paragraph 0126). It is inherent that web pages have HTML content.

Regarding Claim 56, Zigmond and Freeman disclose all the limitations of Claim 54. Zigmond discloses inserting an event within the broadcast content comprises inserting a trigger within the broadcast content (Column 8, lines 38-54).

Regarding Claim 57, Zigmond and Freeman disclose all the limitations of Claim 54. Zigmond does not disclose decoding the event as it is encountered in the broadcast content, comprises programming a processor within a set-top box to decode a trigger inserted in the broadcast content. Freeman discloses decoding the event as it is encountered in the broadcast content (Figure 2, 215), comprises programming a processor within a set-top box (Figure 2) to decode a trigger inserted in the broadcast content (Figure 2, 215).

15. Claims 58 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond in view of Freeman as applied to claim 54 above, and further in view of Weinstein.

Regarding Claim 58, Zigmond in view of Freeman does not disclose that the interactive functionality comprises user-selectable operators for selecting different interactive functions. Weinstein discloses that the interactive functionality comprises user-selectable operators for selecting different interactive functions (Figures 2a, 2b, 2c). It would have been obvious a the time the invention was made to modify Zigmond in view of Freeman to have user-selectable operators (Figures 2a, 2b, 2c) as taught by

Weinstein in order to provide a unified interface to combine both the broadcast and interactive features (Column 2, lines 9-22) as disclosed by Weinstein.

Regarding Claim 59, Zigmond, Freeman and Weinstein disclose all the limitations of Claim 58. Freeman discloses that the users can access websites for more advertiser information (Page 2, paragraph 0016). Freeman does not disclose that interactive functions for user-selectable operators. Weinstein disclose user selectable operators (Figures 2a, 2b, 2c) and access to a website (Figure 2c, 231).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Freeman et al (US 2002/0188943).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH
July 18, 2005

VIVEK SRIVASTAVA
PRIMARY EXAMINER